

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Prohibition & Excise Department - Certain allegations of violation of APCS (Conduct) Rules, 1964 against Sri P. Balamukunda Rao, formerly Deputy Commissioner of Excise, Kurnool (now retired) - Enquiry - Imposition of penalty of recovery of amount of "equivalent to the stoppage of one increment for two years without cumulative effect" from the pensionary benefits - Orders - Issued.

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REVENUE (VIGILANCE-V) DEPARTMENT

G.O.Rt.No. 1968

Dated:21-10-2008.

Read the following:-

1. Govt.Memo No. 833/Ex.I/85-37, Rev. (Ex.I) Dept. Dt: 26.6.1991.
2. From Sri P. Balamukunda Rao, Joint Secy. to Commr. of Excise, Hyderabad dt: 29.7.1991.
3. Govt. Memo No. 833/Ex.I(1)/85-40, Dt: 18.3.1992.
4. G.O.Rt.No.385, Rev. (Ex.I) Dept. Dt: 17.3.1993.
5. G.O.Rt.No.513, Rev. (Ex.I) Dept.Dt: 7.4.1993.
6. From the Chairman, Commissionerate of Inquiries, dated 15.4.1994.
7. G.O.Ms.No.788, Rev (Ex.I) Dept.Dt:4.8.1994.
8. Govt. Memo No. 2287/Excise I/95-4, Dt: 18.2.1995 of Rev. (Ex.I) Dept.,
9. G.O.Rt.No.1893, Rev. (Vig.V) Dept., Dt: 26.8.2006.
- 10.From the Commr. P&E, Letter Cr. No. 37269/94/C.PE/H4, Dt: 10.9.2007;
- 11.Govt. Memo No. 50921/Vig.V(2)/2007-2, Dt: 21.5.2008 of Rev.(Vig.V) Dept.,
- 12.From the Commr. P&E, Hyd. Letter Cr. No. 37629/04/C.PE/A1, Dt: 18.6.2008.

ORDER:

It has been brought to the notice of the Government that Sri P. Balamukunda Rao, Deputy Commissioner of Excise, Kurnool had committed certain irregularities. Discreet enquiries made by the appropriate authorities established the following lapses on the part of Sri P. Balakunda Rao, Deputy Commissioner of Excise :

1. He failed to obtain prior permission from the competent authority for the private business carried out by his wife as follows and thus violated the A.P.C.S (Conduct) Rules, 1964 :
 - a) LIC Agency;
 - b) Poultry Business in the name and style as M/s. Ravi Poultries since 1978;
 - c) Transport business in the name and style as M/s. Laxmi Travels since 1978;
 - d) Partnership business in the name and style as M/s. Venkatadri Agro Vet Enterprises since 1981 - 82;

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2. He did not obtain prior permission or intimated at any time to the Competent Authority regarding acquisition of Motor Cycles ATL 324, AAQ 3970, AQ 3973 in the names of his two sons from 1980 - 83 which worth Rs.10,000/- and above;
3. He contravened conduct rules in allowing his son to accept a gift of Rs.20,000/- from his relations;

2. Based on the above irregularities, Government have framed charges against Sri P. Balamukunda Rao, Deputy Commissioner of Excise and directed to submit his w.s.d vide reference 1st read above. The individual has submitted a representation and requested to keep the disciplinary proceedings in abeyance till the judgment in the disproportionate assets case is delivered vide reference 2nd read above. Government have examined the same and rejected his request as both the prosecution and departmental action are different and directed the individual to submit his written statement of defence vide reference 3rd read above. Even providing an opportunity to submit his explanation, Sri P. Balamukunda Rao, Dy. Commr. has not submitted his defence statement. As such, Government construed that the individual has no explanation to offer and decided to entrust the matter to Commissionerate of Inquiries for enquiry. Accordingly, the matter has been referred to Commissionerate of Inquiries for enquiry vide reference 5th read above. The Inquiring Authority furnished report vide reference 6th read above holding that out of the three charges framed against Sri P. Balamukunda Rao, Deputy Commissioner of Excise, one charge relating to "failure to obtain permission of the Competent Authority for the private business carried out by his wife" violating the APCS (Conduct) Rules has been conclusively proved.

3. In the reference 7th read above, Government have imposed a penalty of stoppage of one increment for a period of two years without cumulative effect on Sri P. Balamukunda Rao, Deputy Commissioner of Excise as one of the charge is conclusively proved. Sri P. Balamukunda Rao, Dy. Commr. filed OA.No. 7173/94 before the APAT and stated among others that there is no question of imposing penalty of "stoppage of one increment for 2 years at this stage of service as he is going to retire by February, 1995".

4. Government after examination of the matter, have taken a provisional decision to impose a punishment of cut in pension approximately equal to the benefit of increment drawn by him immediately before his retirement for a period of two years on Sri P. Balamukunda Rao, Dy. Commr. of Excise, in modification of orders issued in the reference 7th read above. Accordingly, Government have communicated the above provisional decision and directed the individual to submit his explanation failing which he has no explanation to offer and further action will be taken based on the material available on record in the matter, vide reference 8th read above.

5. In the reference 12th read above, the Commissioner of Prohibition & Excise has furnished a postal acknowledgment relating to service of above Govt. Memo on Sri P. Balamukunda Rao, Deputy Commissioner of Excise (Retd.), according to which, the Govt. Memo served on the individual on 28.7.1985. The Commissioner of Prohibition & Excise, Hyderabad has also informed that the individual has not submitted any explanation to his office.

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6 Government have examined the matter and observed that Sri P. Balamukunda Rao, Deputy Commissioner of Excise (Retd.) failed to submit his representation even after a lapse of 13 years from the date of receipt of the Govt. Memo., Therefore Government have decided to conclude the disciplinary proceedings even at this stage without further delay by recovering the said amount from the pensionary benefits of individual.

7. Government after careful examination of the matter, have decided to recover the equivalent amount of “stoppage of one increment for two years without cumulative effect” from the pensionary benefits of Sri P. Balamkunda Rao, Deputy Commissioner of Excise (Retd.).

8. Accordingly, Government hereby order to recover the equivalent amount of “stoppage of one increment for two years without cumulative effect” from the pensionary benefits of Sri P. Balamukunda Rao, Deputy Commissioner of Excise (Retd.).

9. The Commissioner of Prohibition & Excise, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. SUDHIR
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P. Balamukunda Rao, Deputy Commissioner of Excise (Retd.)

Through: The Commissioner of Prohibition & Excise, A.P., Hyderabad.

The Commissioner of Prohibition & Excise, A.P., Hyderabad.

Copy to:

The Revenue (Excise. I) Department.

The Accountant General, Andhra Pradesh, Hyderabad.

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to V.C, A.P. Vigilance Commission, Hyderabad.

SF/SC.

// Forwarded:: By Order //

SECTION OFFICER.